the Southern District of New York, Merson Musical Products Corporation, the defendant, purchased one hundred violins from Cosmopolitan Exchange Corporation, 286 Fifth Avenue, New York, N.Y.

2. In further pursuance of the said conspiracy and to effect the objects thereof, on or about the 14th day of September, 1956, in the Southern District of New York, Merson Musical Products Corporation, the defendant, purchased fifty violins from Cosmopolitan Exchange Corporation, 286 Fifth Avenue, New York, N.Y.

3. In further pursuance of the said conspiracy and to effect the objects thereof, on or about the 31st day of October, 1956, in the Southern District of New York, Merson Musical Products Corporation, the defendant, purchased fifty violins from Cosmopolitan Exchange Corporation, 286 Fifth Avenue, New York, N.Y.

7a 4. In further pursuance of the said conspiracy and to effect the objects thereof, on or about the 26th day of November, 1956, in the Southern District of New York, Merson Musical Products Corporation, the defendant, purchased fifty violins from Cosmopolitan Exchange Corporation, 286 Fifth Avenue, New York, N.Y.

5. In further pursuance of the said conspiracy and to effect the objects thereof, on or about the 29th day of February, 1957, in the Southern District of New York, Merson Musical Products Corporation, the defendant, sold twenty-one violins to The Music Box, 398 Conklin Street, Farmingdale, Long Island, N.Y.

6. In further pursuance of the said conspiracy and to effect the objects thereof, on or about the 22nd day of March, 1957, in the Southern District of New York, Merson Musical Products Corporation, the defendant, sold three violins to The Music Box, 398 Conklin Street, Farmingdale, Long Island, N.Y.

(Title 18, Section 371, United States Code.)

Paul W. Williams,
PAUL W. WILLIAMS,
United States Attorney.

And for such other and further relief as to the Court may seem just and proper.

Dated, New York, February 19, 1958.

Yours, etc.,

JULIUS L. SCHAPIRA,
Attorney for Defendants,
Office & P.O. Address, 342 Madison Avenue,
Borough of Manhattan, City of New York.

To: PAUL F. WILLIAMS, Esq.,
United States Attorney for the
Southern District of New York,
Foley Square, New York City.

10a

Affidavit of Julius L. Schapira

Filed February 19, 1958

[Same title.]

STATE OF NEW YORK,
County of New York, ss:

Julius L. Schapira, being duly sworn, deposes and says:

I am the attorney for the defendants and make this affidavit in support of the motion herein.

The corporate defendant with two of its officers are charged, in statutory language, with having removed labels from violins manufactured in and imported from the Eastern Sector of Germany bearing the legend "Germany/USSR".

I am informed by the defendants that they have been buying violins from importers and selling them to dealers who sold them to ultimate purchasers. Some violins are manufactured in the Western Sector of Germany and others in the Eastern. Traditionally, the defendants placed their own labels on all violins bought from the importers which were manufactured in Germany and stamped thereon "Made in Germany". It may well be that some of the violins were (10) manufactured in and imported from the Eastern Sector of Germany. The defendants were never told by anyone that the eastern sector of Germany was considered a separate "country of origin". They knew that there was never any restriction on the importations of violins from East Germany. Moreover, the pertinent law merely requires that the imported article bear a marking which indicates the country of origin which is defined as "a